

**Department of Community Planning and Economic Development –  
Planning Division Report  
Zoning Code Text Amendment**

**Date:** October 17, 2005

**Initiator Of Amendment:** Council Member Schiff

**Date of Introduction at City Council:** September 2, 2005

**Ward:** All

**Planning Staff And Phone:** Jason Wittenberg, (612) 673-2297

**Intent Of The Ordinance:** The intent of the amendment is to establish a reasonable limit on the minimum interior side and rear yard requirements for residential and hotel uses where such required yards are based on the height of the building in the commercial, downtown, and industrial districts.

**Appropriate Section(s) of the Zoning Code:**

Chapter 548: Commercial Districts.

Chapter 549: Downtown Districts.

Chapter 550: Industrial Districts.

**Background:** The proposed amendment would revise required yards in cases where the yard is required only because residential or hotel windows face a rear or interior side lot line. The amendment would make the yard regulations more consistent with their underlying intent and would bring the zoning code more into alignment with the building code.

Minimum interior side and rear yards are generally required in commercial, downtown, and industrial zoning districts only when at least one of the following circumstances apply:

1. The property in question is adjacent to a residence or office residence district;
2. The property in question is adjacent to a property with a permitted or conditional residential use;<sup>1</sup>
3. The building in question has a residential or hotel use with windows facing an interior side or rear lot line.

In the first two circumstances, the intent of the zoning ordinance is to protect property *adjacent to new development* by preserving access to light and air and to protect the character of residence and office residence districts that happen to be adjacent to nonresidential districts. In the third circumstance, which typically applies when the first two circumstances are not applicable, the intent of the zoning ordinance is to protect the residents *of the new development itself* by requiring new residential windows to be set back far enough from interior side and rear property lines to ensure perpetual access to light and air as well as for fire safety purposes. This amendment affects only circumstance number three by ensuring that the rear or interior side yard is sufficient to meet the intent of the ordinance while ensuring that the

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<sup>1</sup> This standard, by itself, does not create the need for a required interior side or rear yard in the Downtown Districts.

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zoning code does not require excessive yards for relatively tall buildings. While the zoning code would still require a greater yard as the height of the proposed building increases, it would not require a yard greater than 15 feet (unless the first two circumstances above apply). An interior side or rear yard of 15 feet is expected to always be sufficient to meet the intent of circumstance number three, above. The amendment would not affect buildings of six stories or less.

### **Purpose For The Amendment:**

**What is the reason for the amendment?**

**What problem is the amendment designed to solve?**

**What public purpose will be served by the amendment?**

**What problems might the amendment create?**

The amendment would bring the regulations of the zoning code more into alignment with the intent of the commercial, downtown, and industrial districts. In those circumstances where yards are required for residential and hotel uses only because those uses have windows facing the interior or rear lot line, the amendment would never require a yard greater than 15 feet. Currently, the required yard continues to increase with the height of the proposed building.

The amendment is expected to reduce the number of variances needed for new residential or mixed use development, which will allow the City to focus staff resources on more substantive issues in the development review process. The requirements currently result in required yards that are sometimes excessive and impractical, acting as an incentive to construct windowless walls.

The amendment would serve the public interest by ensuring that objectives related to public safety and welfare continue to be met while easing the regulatory burden on new residential and hotel uses. The amendment would benefit applicants by eliminating the costs and uncertainty associated with those yard variances that would no longer be necessary. The amendment would not affect yards required for new development in or adjacent to residence or office residence districts. New buildings in the "R" and "OR" districts always have a required yard regardless of the location of residential windows.

Planning staff does not anticipate that the amendment would cause problems.

### **Timeliness:**

**Is the amendment timely?**

**Is the amendment consistent with practices in surrounding areas?**

**Are there consequences in denying this amendment?**

The amendment is designed to solve ongoing issues that affect new residential (including mixed use) and hotel developments. The amendment is timely in that staff will have the ability to focus

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on more substantive issues in the development review process while the city continues to experiences strong demand for residential and mixed use development.

Practices vary widely in other municipalities related to required yards for residential and hotel uses. As noted above, the amendment would bring the zoning code more into alignment with the building code.

The consequences of denying the amendment would be that the zoning code would continue to require rear and interior side yards that exceed the intent of the regulation.

### **Comprehensive Plan:**

#### **How will this amendment implement the Comprehensive Plan?**

The amendment will implement the following policy of the comprehensive plan.

**Policy 9.18.** Minneapolis will establish land use regulations, in order to achieve the highest possible development standards, enhance the environment, promote flexibility in approaches and otherwise carry out the comprehensive plan.

**Staff comment:** The amendment is consistent with the comprehensive plan by protecting public safety while also providing increased regulatory flexibility for new residential and mixed use development in commercial nodes and corridors, downtown, and in industrial districts that include the industrial living overlay district.

### **Recommendation Of The CPED Planning Division:**

The CPED Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning code text amendment.